

In the Supreme Court of the State of Alaska

L.B. (Minor),

Petitioner,

v.

State of Alaska,

Respondent.

Supreme Court No. **S-18043**

Order

Petition for Hearing

Date of Order: **4/13/2021**

Court of Appeals No. A-13813

Trial Court Case No. 3AN-19-00113DL

Before: Bolger, Chief Justice, Winfree, Maassen, Carney, and
Borghesan, Justices

L.B. petitions for hearing from a court of appeals' order affirming a presiding judge's order denying the State's motion for an in-person jury trial. In its response, the State joins with L.B.'s request that the trial should begin without delay. Based on the parties' submissions, we agree with the court of appeals that the presiding judge did not abuse his discretion when he applied the factors listed in Chief Justice Order No. 8242. However, we conclude that the presiding judge's order should be modified to address the unique prejudice to the parties identified in the State's motion.

IT IS THEREFORE ORDERED that the petition is **GRANTED**, and the presiding judge's order is modified as follows:

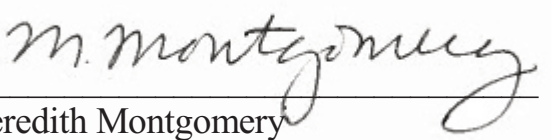
1. The parties should discuss limiting the participants in the courtroom to the minor, the judge, the in-court clerk, the jury, the victim, and essential counsel as necessary for proper social distancing, and requiring other interested parties to observe the trial from another location by video feed or video conference;
2. The parties should discuss modifications to the jury selection process

to limit the risk to all participants, including video conference jury selection, stricter time limits on voir dire, or a reduction in peremptory challenges;

3. The parties may renew their motion based on their stipulations on the issues described in paragraphs 1 and 2;
4. The trial judge should reconsider his recommendation based on the parties' submissions, the current risk level, and the other factors listed in the most current chief justice order;
5. This case will take priority over other Anchorage felony jury trials;
6. In all other respects, the court of appeals' order is affirmed.

Entered at the direction of the court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Court of Appeals Judges
Presiding Judge Morse
Judge Peterson
Trial Court Clerk - Anchorage

Distribution:

Email:
Toft, Ariel Jessica, Office of Public Advocacy
McKay, Patrick J.
de Lucia, Tamara Eve